

R E M A R K S

The Examiner has issued an Official Action requiring restriction between six groups of inventions. The groups identified by the Examiner are:

Group I: Claims 1-7, 31, 35, 41-46 and 49-54 drawn to a compound of formula I;

Group II: Claims 8-20, drawn to a process for the preparation of the compound classified in class 548;

Group III: Claims 32 and 36 drawn to a method of use;

Group IV: Claims 33-34, 37-38 and 55-56, drawn to a method for treatment:

Group V: Claims 39-40, drawn to a process for the preparation of the compound classified in class 548 and

Group VI: Claims 47-48 drawn to another process for the preparation of the compound classified in class 548.

This restriction requirement is respectfully traversed.

It is respectfully requested that the restriction requirement be withdrawn.

It is noted that the claims of Group I, Group II, Group V and Group VI and Group IV are directed to compounds of formula (I), processes for preparation of compounds of formula

(I) and use of the products of formula (I) respectively. It is also noted that it is common for US patents to include claims for compounds, processes for preparing the compounds and methods for using the compounds in a single patent. Although it is stated on pages 7 to 9 of the Official Action that if the claims for the product are elected and found to be allowable, the process claims will be rejoined in this application, it is submitted that if the restriction requirement is not withdrawn, that Claims 33-34, 37-38 and 55-56 must also be rejoined if the product claims are patentable. If the compounds of formula I are patentable then the use of the compounds is also new and nonobvious.

It is also respectfully requested that the claims of group III be joined with the claims of group I. According to the restriction requirement, Claims 32 and 36 are drawn to a method of use. Claims 32 and 36 are:

32. A pharmaceutical composition as claimed in claim 31, in the form of a tablet, capsule, powder, syrup, solution or suspension.

36. A pharmaceutical composition as claimed in claim 35, in the form of a tablet, capsule, powder, syrup, solution or suspension.

Claims 31 and 35 which define pharmaceutical compositions are in group I. Since Claims 32 and 36 define certain forms of the pharmaceutical compositions of Claims 31 and 35, Claims 32 and 36 should be grouped with Claims 31 and 35 in group I.

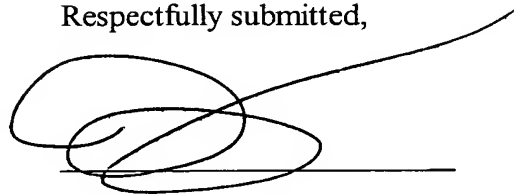
In addition, as all of the process Claims 8-20, 39-40 and 47 and 48 define processes for preparing compounds of formula (I), all of these claims should be part of the same group.

If the restriction requirement is not withdrawn, the claims of Group I are provisionally elected in order to expedite prosecution.

All rights to file one or more divisional applications directed to the subject matter of the nonelected claims and/or any other subject matter disclosed in the specification is preserved.

It is submitted that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'C' that overlap, with a horizontal line extending to the right from the bottom of the 'C'.

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